

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

DENNIS MERRIMON WATERS,)	
Petitioner,)	Civil Action No. 7:13cv00568
)	
v.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	By: Norman K. Moon
Respondent.)	United States District Judge

Dennis Merrimon Waters, a federal inmate proceeding *pro se*, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging his conviction and sentence imposed by the United States District Court for the Western District of North Carolina. The United States filed a motion to dismiss, Waters responded, and the court directed the United States to file a supplemental response.¹ The United States has since asked for two extensions of time which indicate that it needs more time to “carefully consider the Solicitor General’s position in light of the facts” of this case and also to consider how *United States v. Suratt*, 797 F.3d 240 (4th Cir. 2015), *reh’g en banc granted* (Dec. 2, 2015), may affect this case. Upon consideration of the motions and the record, it is hereby **ORDERED** that the United States’ motion to dismiss (Docket No. 10) is **DISMISSED without prejudice** and, pursuant to Standing Order No. 2013-6, the United States is **DIRECTED to FILE**, within 30 days, a motion for summary judgment that addresses, *inter alia*, the information sought by the court’s prior order. Further, Waters’ motion to stay this action (Docket No. 14) is **DENIED without prejudice** because this case shall proceed to summary judgment.

ENTER: This 19th day of February, 2016.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE

¹ The court specifically requested that the United States explain the applicability of the Solicitor General’s position asserted in *Persaud v. United States*, 134 S. Ct. 1023 (2014), to Waters’ case.